

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/788,621

Q63282

REMARKS

Claims 17 and 18 are currently pending in this Application.

Claim 17

Claim 17 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Kondo (Optics Letters) in view of Bilodeau (U.S. 5,495,548), Komatsu EP (EP 1006683), and Canning (U.S. 5,830,622).

Komatsu EP was published on June 7, 2000, which is not more than one year prior to the U.S. filing date of the present Application (February 21, 2001). Therefore, Komatsu EP is only prior art against the present invention under 35 U.S.C. § 102(a). Applicants note that the filing date of the priority document (JP 2000-44298) of the present Application (February 22, 2000) is earlier than the publication date of Komatsu EP (June 7, 2000).

Therefore, without commenting on the substantive merits of the Examiner's rejection, Applicants submit herewith a certified English translation of the priority document to perfect Applicants' claim to foreign priority. Therefore, Applicants note that Komatsu EP is no longer available as prior art under 35 U.S.C. § 102, and hereby requests that the Examiner reconsider and withdraw the above rejection of claim 17.

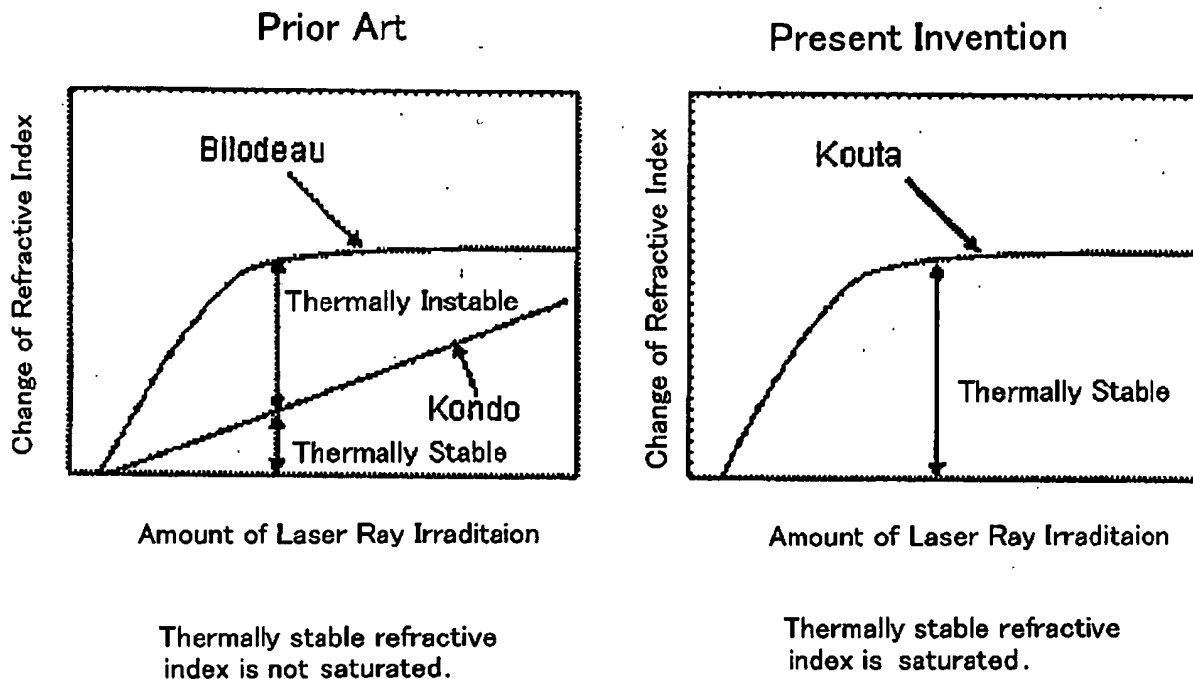
Claim 18

Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Kondo in view of Bilodeau, Brienza, and Canning. Applicants respectfully traverse this rejection.

Applicants note that the cited art discusses that the irradiation of short pulse laser rays on Ge-glass changes the refractive index; that the irradiation of ultraviolet laser rays on Ge-glass

changes the refractive index to reach saturation; that the refractive index changed by the short pulse laser ray irradiation is thermally stable; and that the same phenomena take place in fibers and in waveguides. However, there is no teaching or suggestion of irradiating UV laser rays to reach saturation and obtain a change which is thermally stable, and there is no teaching or suggestion of reaching saturation with the irradiation of short pulse laser rays.

According to claim 18, there is a thermally stable saturated index change due to the irradiation of short pulse laser rays. As the following diagrams illustrate, in the prior art, the thermally stable refractive index change increases with the amount of laser irradiation and does not achieve saturation. However, according to the present invention, saturation is reached with thermally-stable changes.



Therefore, in view of the above, Applicants submit that claim 18 is patentable over the cited combination of references and respectfully request that the rejection of claim 18 be reconsidered and withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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